

Committee : <b>Licensing Sub Committee</b>	Date	Classification <b>Unclassified</b>	Report No.	Agenda Item No.
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Report of <b>Colin Perrins</b> <b>Head of Trading Standards and Commercial</b>	Title <b>Licensing Act 2003</b> <b>Application to Vary the Premises Licence for Laughing Buddha, 653 Commercial Road, London E14 7HW</b>
Originating Officer: <b>Jackie Randall</b> <b>Principal Licensing Officer</b>	Ward affected <b>St. Dunstons and Stepney Green</b>

## 1.0 Summary

Applicant: **Rob Miah**  
Name and Address of Premises: **Laughing Buddha**  
**653 Commercial Road**  
**London E14 7HW**

Licence sought: **Licensing Act 2003 variation**

**To include regulated entertainment to the existing premises licence**

Objectors: **Police**  
**Environmental Health**  
**Local Residents**

## 2.0 Recommendations

2.1 That the Licensing Committee considers the application and objections then adjudicate accordingly.

**LOCAL GOVERNMENT 2000 (Section 97)**  
**LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT**

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

**Jackie Randall**  
**020 7364 5109**

### 3.0 **Background**

- 3.1 This is an application for a variation of a premises licence for Laughing Buddha, 653 Commercial Road, London E14 7HW.
- 3.2 A copy of the existing licence is enclosed as **Appendix 1**.

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The current hours are as follows:

**Sale of Alcohol**

Monday to Wednesday from 12:00 hrs to 00:30 hrs  
Thursday to Sunday from 12:00 hrs to 03:00 hrs

**Recorded Music (Background Music Only)**

Monday to Wednesday from 12:00 hrs to 00:30 hrs  
Thursday to Sunday from 12:00 hrs to 03:00 hrs

**Late Night Refreshment**

Monday to Wednesday until 00:30 hrs  
Thursday to Sunday until 03:00 hrs

**Hours premises are open to the public**

Monday to Wednesday from 12:00 hrs to 00:30 hrs  
Thursday to Sunday from 12:00 hrs to 03:00 hrs

- 3.3 A copy of the variation application is enclosed as **Appendix 2**.
- 3.4 The applicant has described the nature of the variation as:  
The addition of Recorded Music and the provision of facilities for making music and dancing.
- 3.5 The hours that have been applied for are as follows:-

**The Provision of Regulated Entertainment consisting of:  
Recorded Music, Provision of facilities for making music and  
facilities for dancing:**

Friday, Saturday and Sunday from 12:00 to 03:00 hrs  
New Years Eve – *no hours stated* – see 3.6

**Hours premises are open to the public**

Monday to Wednesday from 12:00 hrs to 00:30 hrs  
Thursday to Sunday from 12:00 hrs to 03:00 hrs  
New Years Eve from 12:00 to 03:00

- 3.6 Members may wish to note that in relation to New Years Eve the applicant has not described the hours for regulated entertainment. The public notice and the newspaper have only advertised standard timings and therefore the hours can only be considered under the standard timings as stated in 3.5. A photo of the public notice and the extract from the newspaper advert is enclosed in **Appendix 3**.

3.7 A map showing the relevant premises is included as **Appendix 4**.

#### 4.0 **Licensing Policy and Government Advice**

4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 7<sup>th</sup> January 2008.

4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.

4.3 The Government Minister, the Secretary of State for Culture, Media and Sport has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, [www.culture.gov.uk](http://www.culture.gov.uk). It was substantially revised on the 28 June 2007.

4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

#### 5.0 **Representations**

5.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:  
Metropolitan Police – **see Appendix 5**  
Environmental Protection – **See Appendix 6**  
Local Residents – **See Appendix 7-10**

5.2 All of the responsible authorities have been consulted about this application. They are as follows:

- The Metropolitan Police
- The LFEPA (the London Fire and Emergency Planning Authority).
- Planning
- Health and Safety
- Noise (Environmental Health)
- Trading Standards
- Child Protection

5.3 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance

- the protection of children from harm

5.4 The objections cover allegations of (Delete as appropriate)

- Drinking and operating beyond the permitted hours
- Noise while the premise is in use
- Disturbance from patrons leaving the premises on foot
- Disturbance from patrons leaving the premises by car
- Lack of adequate car parking facilities
- Close proximity to residential properties
- Noise leakage from the premises
- Lack of planning permission

5.5 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

## 6.0 Licensing Officer Comments

6.1 The Licensing Section is not a responsible authority and therefore has no ability to make any relevant representations. The following therefore is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

## 6.2 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is "provided for licensing authorities carrying out their functions." It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.6).  
Also "so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so." When doing so licensing authorities will need to give full reasons for their actions (1.7).
- ❖ Also Members should note "A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives." (1.10)
- ❖ Conditions may not be imposed for the purpose other than the licensing objectives.
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).

- ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
  - ❖ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).
  - ❖ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)
  - ❖ Mandatory conditions must be imposed (7.67) and censorship avoided (7.69).
  - ❖ Routine conditions about drink promotions are not permitted but can be imposed in an appropriate circumstances (7.79). The Office of Fair Trading’s Advice also needs to be considered, namely that minimum prices setting is not permitted.
- 6.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that “In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder or premises management cannot be justified and will not serve the licensing objectives.” (2.38)
- 6.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 11-16** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

## **7.0 Exemptions**

- 7.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.
- 7.2 Schedule 1 Part 2 of the Act states that entertainment in churches, Morris dancing (and accompanying music if live and unamplified) and incidental music are not licensable activities-that is no conditions can be set for them.
- 7.3 Acts of religious worship, wherever performed are not licensable.
- 7.4 Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is primarily thus used, and the permitted capacity does not exceed 200, additional conditions relating to the music should only relate to public safety or the prevention of crime (or both). That is they should not relate to any "noise nuisance."
- 7.5 Section 177 (4) provides that where a premises licence (or club) has a capacity of not more than 200 and the only music is unamplified live music between 08 00 hrs and midnight, no additional conditions should be set relating to the music.
- 7.6 Section 177 can be disapplied on a licence review if it is proportionate to do so.

## **8.0 Legal Comments**

- 8.1 The Council's legal officer will give advice at the hearing.

## **9.0 Finance Comments**

- 9.1 There are no financial implications in this report.

## 10.0 Appendices

- Appendix 1** A copy the existing licence.
- Appendix 2** A copy of the application for variation.
- Appendix 3** Public Notice and newspaper advert
- Appendix 4** Maps of the area
- Appendix 5** Representations of Metropolitan Police
- Appendix 6** Representations of Environmental Protection
- Appendix 7-10** Representations of Local residents
- Appendix 11** Licensing Officer comments on Drinking beyond the permitted hours
- Appendix 12** Licensing Officer comments on Noise while the premises is in use
- Appendix 13** Licensing Officer comments on Access and Egress Problems
- Appendix 14** Licensing Officer comments on Noise leakage from the Premises
- Appendix 15** Licensing Officer comments on Planning
- Appendix 16** Licensing Policy relating to hours of trading





# Appendix 1



# TOWER HAMLETS

Licence / Registration

Certificate Number

11796

(Laughing Buddha)  
653 Commercial Road  
London  
E14 7LW

### Licensable Activities authorised by the licence

The sale by retail of alcohol  
The provision of regulated entertainment  
The provision of late night refreshment

See the attached licence for the licence conditions

Signed by

John Cruse *J. Cruse*  
Team Leader Licensing

Date: 26<sup>th</sup> April 2007

**FOR OFFICE USE**

Receipt Number

Fee Paid

Fee Req.

Date

Initial

CommercialRoad.doc  
0-95912

183044

1

£110

23/4/07

mtt



**Part A - Format of premises licence**

Premises licence number

11796

**Part 1 - Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description**

(Laughing Buddha)  
653 Commercial Road

**Post town**

London

**Post code**

E14 7HW

**Telephone number**

None

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

The sale by retail of alcohol  
The provision of regulated entertainment  
The provision of late night refreshment

**The times the licence authorises the carrying out of licensable activities**

**The sale by retail of alcohol:**

Monday, Tuesday, Wednesday from 12:00 hours until 00:30 hours the following day  
Thursday, Friday, Saturday and Sunday from 12:00 hours until 03:00 hours the following day.

**Late Night refreshment:**

Monday, Tuesday, Wednesday until 00:30 hours the following day  
Thursday, Friday, Saturday and Sunday until 03:00 hours the following day.

**Recorded Music (Background music only)**

Monday, Tuesday and Wednesday from 12:00 hours to 00:30 hours the following day  
Thursday, Friday, Saturday and Sunday from 12:00 hours to 03:00 hours the following days

**The opening hours of the premises**

Monday, Tuesday and Wednesday from 12:00 hours to 00:30 hours the following day  
Thursday, Friday, Saturday and Sunday from 12:00 hours to 03:00 hours the following days

**Where the licence authorises supplies of alcohol whether these are on and/ or off supplies**

On and off sales

## Part 2

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr. Forid Uddin  
52 Brockmer House  
Crowder Street  
London  
E1 OBJ  
07931 770205

Mr. Rob Miah  
663 Commercial road  
London  
E14 7LW  
07956 466001

**Registered number of holder, for example company number, charity number (where applicable)**

Not applicable

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Mr. Forid Uddin  
52 Brockmer House  
Crowder Street  
London  
E1 OBJ  
07931 770205

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

London Borough of Tower Hamlets  
No: 10061

## **Annex 1 - Mandatory conditions**

No supply of alcohol may be made under the premises licence-

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

## **Annex 2 - Conditions consistent with the operating Schedule**

None

## **Annex 3 - Conditions attached after a hearing by the licensing authority**

None

## **Annex 4 - Plans**

The plans are those submitted to the licensing authority on the following date:

23<sup>rd</sup> February 2007

**Part B - Premises licence summary**

**Premises licence number**

11796

**Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description**

(Laughing Buddha)  
653 Commercial Road

**Post town**

London

**Post code**

E14 7HW

**Telephone number**

None

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol  
The provision of late night refreshment  
Recorded Music by means of background music only

The times the licence authorises the carrying out of licensable activities

Monday, Tuesday, Wednesday from 12:00 hrs until 00:30 hrs the following day  
Thursday, Friday, Saturday and Sunday from 12:00 hrs until 03:00 hrs the following day.

The opening hours of the premises

Monday, Tuesday and Wednesday from 12:00 hours to 00:30 hours the following day  
Thursday, Friday, Saturday and Sunday from 12:00 hours to 03:00 hours the following days

Name, (registered) address of holder of premises licence

Mr. Forid Uddin 52 Brockmer House Crowder Street London E1 OBJ	Mr. Rob Miah 663 Commercial Rd London E14 7LW
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Where the licence authorises supplies of alcohol whether these are on and / or off supplies

On and off sales

Registered number of holder, for example company number, charity number (where applicable)

Not applicable

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr. Forid Uddin

State whether access to the premises by children is restricted or prohibited

No restrictions



# Appendix 2

*[Insert name and address of relevant licensing authority and its reference number (optional)]*

## Application to vary a premises licence under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
You may wish to keep a copy of the completed form for your records.

I/We ROB ALAN being the premises licence holder, apply to vary a  
*(Insert name(s) of applicant)*  
premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

#### Premises licence number

11796

#### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference, or description	
<u>LAUGHING BUDDHA</u> <u>653 COMMERCIAL ROAD</u>	
Post town	Post code
<u>LONDON</u>	<u>E14 7HW</u>

Telephone number at premises (if any)

0207 480 9053

Non-domestic rateable value of premises

£1450

#### Part 2 – Applicant details

Daytime contact telephone number

07956 466001

E-mail address  
(optional)

Current postal  
address if  
different from  
premises address

663 COMMERCIAL ROAD

Post Town

LONDON

Postcode

E14 7LW

17 MAR 2008

**Part 3 - Variation**

Do you want the proposed variation to have effect as soon as possible?

Please tick Yyes

If not do you want the variation to take effect from

Day	Month	Year

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

N/A
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Please describe briefly the nature of the proposed variation (Please see guidance note 1)

To include regulated entertainment by way of recorded music and dance within the existing hours

## Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

### Provision of regulated entertainment

Please tick ✓ yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)  
(if ticking yes, fill in box H)

### Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j)  
(if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick [Y]</b> (please read guidance note 2)	
Day	Start	Finish	Indoors	
Mon			Outdoors	
Tue			Both	
Wed			<b>Please give further details here</b> (please read guidance note 3)	
Thur				
Fri				
Sat			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)	
Sun				
			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick [Y]</b> (please read guidance note 2)	
Day	Start	Finish	Indoors	
Mon			Outdoors	
Tue			Both	
Wed			<b>Please give further details here</b> (please read guidance note 3)	
Thur				
Fri				
Sat			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)	
Sun				
			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)
Tue			
Wed			
Thur			<b>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</b> (please read guidance note 5)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick [Y]</b> (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	
Tue					
Wed					
Thur			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)		
Fri					
Sat					
			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		

Sun			
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**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick [Y]</b> (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed					
Thur			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Fri					
Sat					
Sun			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick [Y]</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed					
Thur			<b>State any seasonal variations for playing recorded music</b> (please read guidance note 4)		

Fri	12:00	2:30	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</b>  Also for New Year Eve
Sat	12:00	2:30	
Sun	12:00	2:30	

**G**

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed				State any seasonal variations for the performance of dance (please read guidance note 4)	
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

**H**

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoor	
Mon				Outdoor	
				Both	



Tue			Please give further details here (please read guidance note 3)
Wed			
Thur			
Fri			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)
Sat			
Sun			Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing  Disc Jockey will be provided		
			Will the facilities for making music be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>	
Day	Start	Finish	Outdoors		
Mon			Both		
Tue			Please give further details here (please read guidance note 3)		
Wed			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)		
Thur					
Fri	1200	0300	Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	1200	0300	Also to new year eve		
Sun	1200	0300			

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b>Will the facilities for dancing be indoors or outdoors or both – please tick [Y] (see guidance note 2)</b>	
			Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give a description of the facilities for dancing you will be providing</b>	
Mon			<b>Please give further details here (please read guidance note 3)</b>	
Tue				
Wed				
Thur			<b>State any seasonal variations for providing dancing facilities (please read guidance note 4)</b>	
Fri	1700	0300	<b>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</b>  Auto for new year eve	
Sat	1700	0300		
Sun	1700	0300		

**K**

<b>Provision of facilities for entertainment of a similar description to that falling within I or J</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the type of entertainment facility you will be providing</b>		
Day	Start	Finish	<b>Will the entertainment facility be indoors or outdoors or both – please tick [Y] (please read guidance note 2)</b>		
Mon			Indoor	<input type="checkbox"/>	
			Outdoor	<input type="checkbox"/>	
			Both	<input type="checkbox"/>	

Tue			Please give further details here (please read guidance note 3)
Wed			
Thur			
Fri			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)
Sat			
Sun			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed					
Thur			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the sale of alcohol be for consumption (Please tick box Y) (please read guidance note 7)</b>	On the premises	
				Off the premises	
				Both	
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol (please read guidance note 4)</b>		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)</b>		

**N**

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

NONE

**O**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations (please read guidance note 4)</b>		
Day	Start	Finish			
Mon	1200	0630			
Tue	1200	0630			

Wed	1200	0300	<b>Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</b>  New Year Eve 1200 to 0300
Thur	1200	0300	
Fri	1200	0300	
Sat	1200	0300	
Sun	1200	0300	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

I have enclosed the premises licence

Please tick  yes

I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

**P**

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

b) The prevention of crime and disorder

Security staff to be on post throughout licensing hours.

c) Public safety

d) The prevention of public nuisance

Noise limiter to be provided with calibration certificate in accordance with formulae given  
AVCZ The equipment to be in

a locked room to avoid interference

e) The protection of children from harm

Please tick ✓ yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 5 – Signatures** (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature ..... *IN EDWARDS*

Date ..... *14.3.08* *LLP*

Capacity ..... *Solicitor for the applicant*

Where the premises licence is jointly held signature of 2<sup>nd</sup> applicant (the current premises licence holder) or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature .....

Date .....

Capacity .....

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	





# Appendix 3

**LICENSING ACT 2003**

**NOTICE OF APPLICATION  
TO VARY A PREMISES  
LICENCE**

**NOTICE IS GIVEN THAT** ROB MIAH has applied to London Borough of Tower Hamlets Licensing Authority to vary a Premises Licence under the Licensing Act 2003

Premises: Laughing Buddha, 653 Commercial Road, London, E14 7HW

The proposed variation is: To provide regulated entertainment from 10.00 and late night refreshment from 23.00, until 0200 the following morning on Fridays and Saturdays and until 0100 Sunday through Thursday

Anyone who wishes to make rep-

resentations regarding this application must give notice in writing to: The Licensing Department, London Borough of Tower Hamlets, Mulberry Place (AH), P.O. Box 55739 5 Clove Crescent, London, E.14. 1BY

Representations must be received no later than 14.4.2008

The Application Record and Register may be viewed between 10am and 4pm Monday to Friday during normal office hours at the above address

It is an offence under Section 158 of the Licensing Act 2003 knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is up to level 5 on the standard Scale (£5000)

LONDON BOROUGH OF TOWER HAMLETS  
LICENSING ACT 2003  
NOTICE OF APPLICATION TO VARY A PREMISES LICENCE

Notice is given that **ROB MIAH** has applied to London Borough of Tower Hamlets Licensing Authority to vary a Premises Licence under the Licensing Act 2003

Premises	Laughing Buddha 653, Commercial Road, London, E.14, 7HW
The proposed variation is:	To provide regulated entertainment from 10.00 and late night refreshment from 23.00, until 0200 the following morning on Fridays and Saturdays and until 0100 Sunday through Thursday

Anyone who wishes to make representations regarding this application must give notice in writing to: The Licensing Department, London Borough of Tower Hamlets, Mulberry Place (AH), P.O. Box 55739, Clove Crescent, London, E.14, 1BY  
Representations must be received no later than 14.4.2008

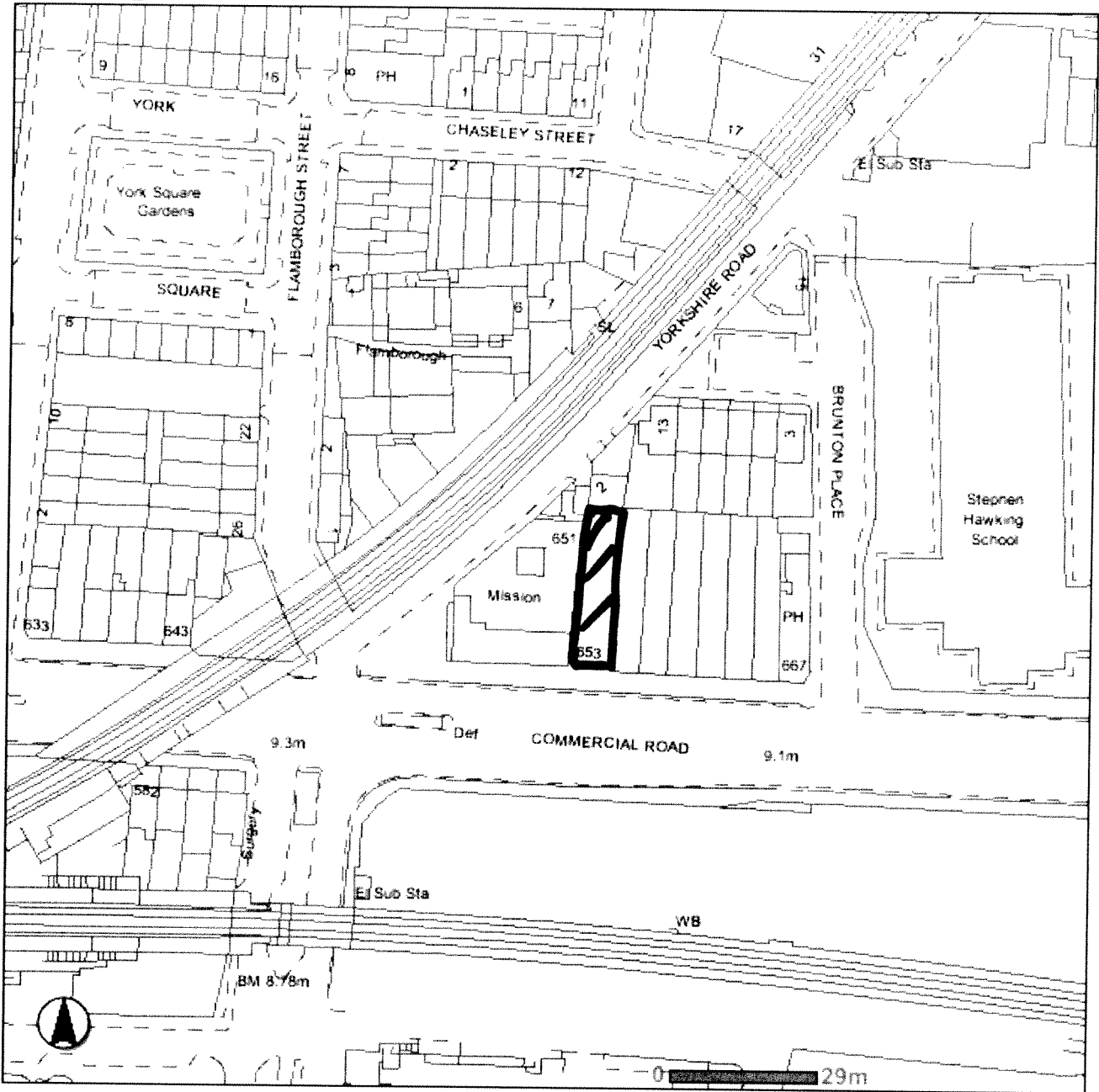
The Application Record and Register may be viewed between 10am and 4pm Monday to Friday during normal office hours at the above address

It is an offence under Section 158 of the Licensing Act 2003 knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is up to level 5 on the standard Scale (£5000)



# Appendix 4

# Map



Scale 1:1250

Map of:

## 653 Commercial Road

Notes:

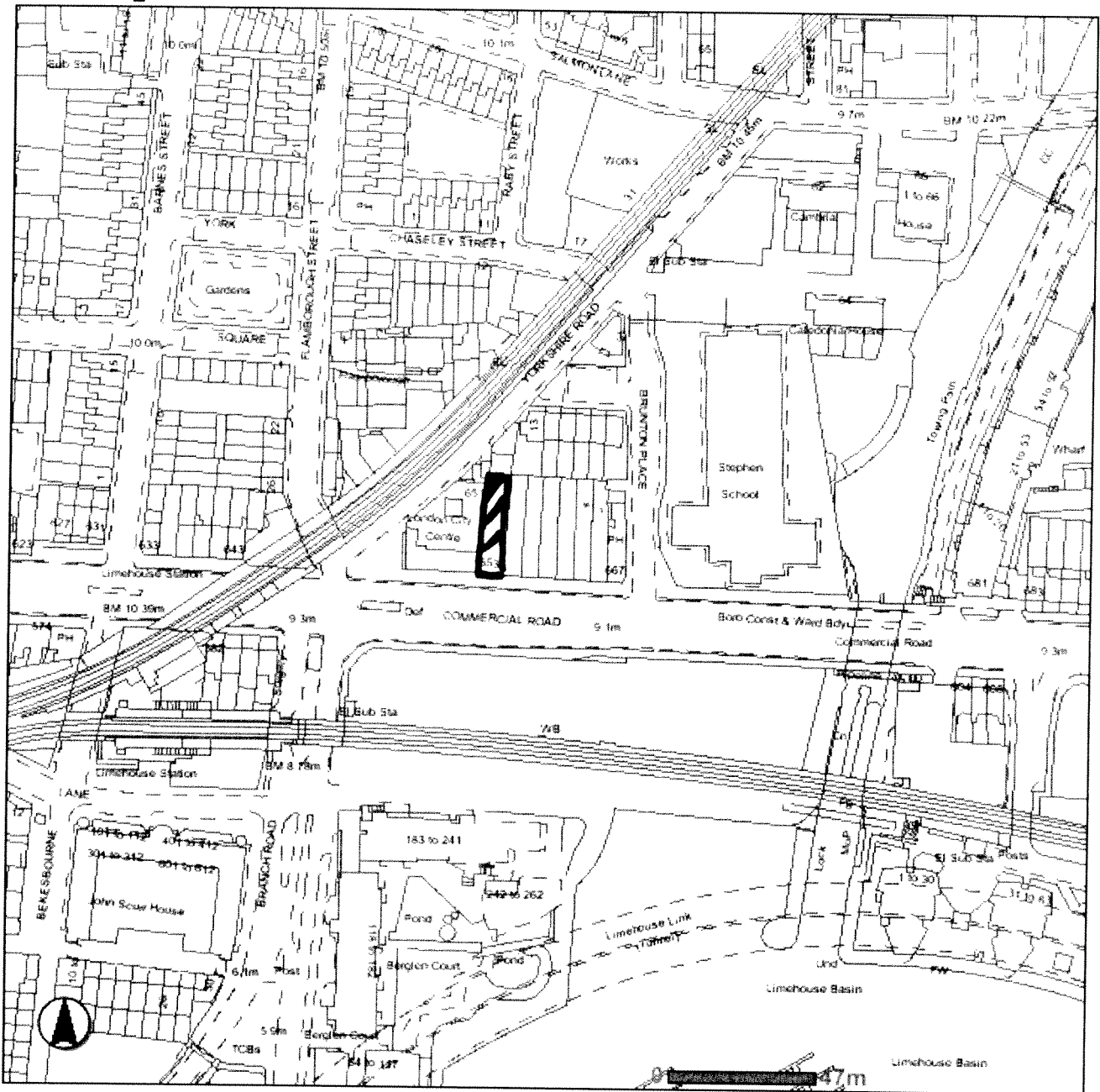
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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

# Map



Scale 1:2020

Map of:

Notes:

## 653 Commercial Road

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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288





# Appendix 5

Our reference : LIC/ 67/ 2008

Date : 3<sup>rd</sup> April 2008



Jackie Randall  
Principal Licensing Officer  
London Borough of Tower Hamlets  
Licensing Section  
Mulberry Place (AH)

Metropolitan Police Service  
Tower Hamlets Division (HT)

Licensing Office  
Bethnal Green Police Station  
12 Victoria Park Square  
London E2 9NZ

Tel: (020) 8217 6699

- 7 APR 2008

Dear Ms Randall

**Re: Application for a variation on the the present Licence**  
**Laughing Buddha : 653 Commercial Road, E14**

I write with reference to the above application, which was received in this office on the 17<sup>th</sup> March 2008.

Please accept this letter as notification that the police, as a responsible authority, are objecting to this application on the grounds that it is likely that if granted, three out of four of the licensing objectives will not be met;

Prevention of crime and disorder  
Prevention of public nuisance.  
Public Safety

The applicant has applied that the variation include regulated entertainment, music and dancing. This would change the nature of the premises from a restaurant to a pub / nightclub. This change will attract a different clientele and increase the amount of people waiting outside the premises.

Although, the police as a regulatory authority, object to the granting of this variation, should the committee decide in their favour, police would wish the following conditions be imposed on their licence.

1. Alcohol to be sold only **ON** the premises. If off sales were to continue, the premises could be seen as another late night off licence, which may attract trouble.

2.  
Upon entry to the premises every customer must be hand searched. These searches will include the searching of the customers' person, wallets, purses, bags and any other items carried on or by the customer. All searches are to be conducted by door staff and must be carried out within an area covered by the premises CCTV system. (Hereafter the term door staff refers to SIA accredited and badged door staff)

Any person not submitting him or herself to a search as outlined above will be refused entry to the premises.

3. To support the written drugs policy at the premises a secure drugs box is to be installed at the premises. Any confiscated items which are, or are believed to be, drugs are to be placed into this box. Any such seizures are to be entered into a drug seizures log, which is to remain in close proximity to the drugs box. This log will record the following details

- The time/ date and location of the seizure
- The member of staff seizing the item
- The name or description of the customer from whom the item was taken
- Any action taken at the time to contact Police regarding the item seized (ie. CAD number or details of officer in attendance)

This drugs log shall be in a durable format, which protects the integrity of the contents therein. The management of the premises will contact Police at least once every calendar month, for an officer to attend the premises, empty the drugs box, and sign the drugs log accordingly.

4. Any customer or member of staff found using, possessing or supplying illegal drugs (of whatever quantity) on the premises is to be permanently excluded from the premises. A record of such exclusions is to be entered into the premises daily register. All reasonable steps must be taken to ensure all staff and door staff are aware of the identity of excluded persons.

Signs are to be prominently displayed inside and outside the premises warning customers that drug use on the premises will not be tolerated, they will be searched on entry and the police may be called if drugs are found.

5. At all times when licensable activity is undertaken at the premises, at least one member of staff must be present in each set of toilets at all times to monitor customer activity. These staff members must be alert at all times they are on duty and be proactive in deterring and preventing any unlawful activity including illegal drug supply and use. Only one person may be allowed in any toilet cubicle at a time.

6. All Personal Licence Holders supervising the sale of alcohol shall hold a nationally recognised licensing qualification

7. No person shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage. Bottle bins shall be provided at the exit doors and staff shall prevent bottles and glasses being taken from the premises

8. A Premises Daily Register shall be kept at the premise. This register will be maintained and kept for a minimum of 12 months. This register should record the name of the person responsible for the premise on each given day. The Premises Daily Register shall record all calls made to the premises where there is a complaint made by a resident or neighbour of noise, nuisance or anti social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call and the time and date of the incident about which the call is made and any actions taken to deal with the

call. The Premises Daily Register will be readily available for inspection by an Authorised Person throughout the trading hours of the premise. The Premises Daily Register will also record all incidents in relation to the use of any force by staff or Door Supervisors in the removal of persons from the premises. It shall record the time and date of the occurrence, name or brief description of the person removed, and details of the staff involved. This register will be held in a durable form, which protects the integrity of the contents therein.

9. All Door Supervisors shall enter their full details in the Premises Daily Register at the commencement of work. This shall record their full name, home address and contact telephone number, the Door Supervisor's SIA registration number and the time they commenced and concluded working. If the Door Supervisor was supplied by an agency, details of that agency will also be recorded including the name of the agency, the registered business address and a contact telephone number.
10. Premises will have Door Supervisors of both sexes on duty at all times when regulated entertainment is taking place. A minimum of four supervisors ( two at the door and two inside the premises to assist at the fire exit )  
All Door Supervisors working outside the premises or whilst engaged in the dispersal of patrons at the close of business shall wear 'High Visibility Clothing'.
11. If the new DPS does not yet hold a National Certificate of Drugs Awareness qualification, run by the BIIAB, or similar accredited body, then he must obtain it within 8 weeks of the premises re-opening.  
All staff shall be trained in dealing with persons who are incapacitated through the use of drugs or the combined effect of drugs and alcohol.
12. An adequate and appropriate supply of first aid equipment and materials shall be available on the premises. Notices detailing the availability of first aid equipment shall be prominently displayed and shall be protected from damage or deterioration.
13. All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 18 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will include a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo.
14. The Licence Holder shall implement a written dispersal policy, to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours, both residential and business, and to make the minimum impact upon the neighbourhood in relation to potential nuisance, antisocial behaviour, crime and disorder. The policy shall be approved in writing by the Licensing Authority and Tower Hamlets Police.
15. The CCTV system shall comply with the current and relevant Metropolitan Police guidelines for Standard Minimum Closed Circuit Television Requirements (Issue 1, July 2004). In addition, the premises must allow the Police's Crime Prevention Design Advisor ("CPDA") to inspect the current CCTV system. The premises must comply with and implement any

reasonable advice and recommendations for improvement to the CCTV system within 4 weeks of the premises re-opening unless the Tower Hamlets Police agree in writing to a longer period.

or

A CCTV system shall be installed or the existing system maintained. The system will incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as 'identification standard.'

To obtain a clear head and shoulders image of every person entering the premises on the CCTV system, persons entering the premises should be asked to remove headwear, unless worn as part of religious observance.

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

The positions of all CCTV cameras shall be clearly shown on a set of plans and any alteration to the system should only be carried out after consultation with and written approval of Tower Hamlets Police and the Licensing Authority.

At least one person on the premises will be trained to operate the recording equipment and be competent in its operation

15. To comply with the Fire Safety Officer's recommendation of no more than 200 people, including staff to be on the premises at one time. Specifically, allowing 120 people at the front of the premises and 80 people in the back of the premises.

Submitted for your attention

Yours faithfully



Alan Cruickshank PC 189HT

Licensing Officer



# Appendix 6

## Communities, Localities & Culture

Anthony Edwards  
T.V. Edwards,  
27a Mile End Road,  
London,  
E1 4TB

Environmental Health, Environmental Protection  
Mulberry Place (AH)  
5 Clove Crescent  
London E14 1BY

Enquiries      Mr I Wareing  
Tel                020 7364 5008  
Fax                020 7364 6831  
Flare Ref        025332  
Your Ref  
Email : [environmentalhealth@towerhamlets.gov.uk](mailto:environmentalhealth@towerhamlets.gov.uk)

Date 3<sup>rd</sup> April 2008

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

### **Re: Application for Variation of Premises Licence at Laughing Buddha, 653 Commercial Road, London, E14 7LW**

#### **Environmental Health Representations**

##### **A. Contextual Information**

Description of premises Semi-Detached property with bar area situated on the ground floor.

Description of location. Located on Commercial Road near the junction to the entrance of the Rotherhithe Tunnel.

Proximity of noise sensitive premises:. Residential space directly above the bar incorporated within the same structure.

Description of background noise: Quite high levels during the day, with decreasing levels during the night.

Existing noise sources in use at the premises: Unsure, as it is our belief that the music system and dynamics have changed since the original premises application.

*Corporate Director  
Communities, Localities & Culture  
Stephen Halsey*



**B. Complaint History, Investigation and Enforcement.**

This department has received 12 complaints regarding the playing of excessively loud music since the original licence was granted approximately 12 months ago. Our officers have witnessed statutory nuisance on two occasions and have served a Section 80 noise abatement notice.

**OBJECTION**

Environmental Protection does object to the licence variation. The applicant has failed to adhere to their original Premises Licence and caused Public Nuisance in the local area. The applicant has also carried on licensable activities past the permitted hours on several occasions, and despite several warnings has carried on regardless and thus caused noise nuisance to local residents.

The applicant has failed to address, in the operating schedule, problems already associated with the current trading of the premises and any perceived problems in the future.

We are in receipt of an acoustic noise report, but are unaware of the status of the works suggested in the said report.

This department has submitted an application for review of this Premises Licence.

Environmental Protection would be in a position to consider the application if:

1. The hours of operation were to be brought in line with current planning permission permitted hours.
2. A full specification for any acoustic works undertaken is submitted to us for review and comment.
3. Any works highlighted to be completed to this department's satisfaction.
4. A condition added that - All amplified equipment to be channelled through the noise limiter/compressor as agreed and set by the local authority.

*Corporate Director  
Communities, Localities & Culture*  
**Stephen Halsey**

5. The noise limiter is to be kept in a locked enclosure with the key to be held by the DPS and or the Premises Licence Holder only.
6. A queuing and dispersal policy is completed and submitted to us for review and comment and then added as a condition to the licence.

As the application for variation currently stands, it is considered to undermine the licensing objective of prevention of public nuisance.

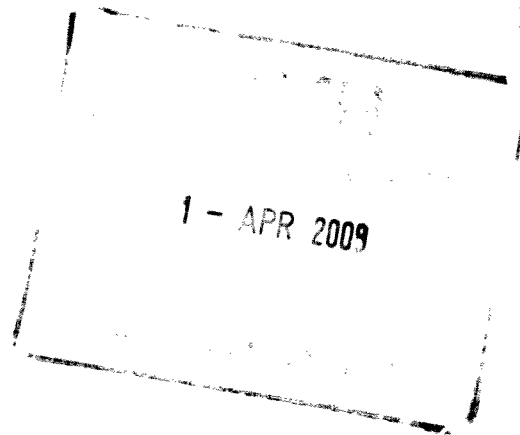
**Ian Wareing**  
**Environmental Health Technical Officer**

*Corporate Director*  
*Communities, Localities & Culture*  
**Stephen Halsey**

# Appendix 7

Flat 3,  
653 Commercial Road,  
London,  
E14 7LW

The Licensing Department,  
London Borough of Tower Hamlets,  
Mulberry Place (AH),  
P.O. Box 55739,  
5 Clove Crescent,  
London,  
E14 1BY



21 March, 2008

To whom it may concern,

I am writing in regards to the proposed variation of licensing under the London Borough of Tower Hamlets Licensing Act of 2003 of:

**Laughing Buddha, 653 Commercial Road, London, E14 7HW.**

I have strong reservations about the proposed usage of the commercial space located beneath the flat currently rented by my wife and I, as well as three other residential flats. The reason for we are unhappy is that for approximately the last eight months the premises has been operating outside of the proposed opening hours and has played music at an unreasonably high level of volume, after originally opening as a restaurant. We find the use of the premises as a 'nightclub,' unacceptable as both the music as well as the patrons of the business creating disturbance in front of and at the side of 653 Commercial Road highly anti-social and this has had a detrimental effect on the quality of life of the residents of the flats above the Laughing Buddha. In the past, the music has started at approximately 22:00 on a Friday, Saturday or occasionally Bank Holiday Monday and although on average it finishes around 03:00 the following morning, there are occasions when the music has been played as late as 07:00 the next morning.

With the above in mind, we would be prepared to accept the continued operation of the business under the following criteria:

- It does not operate as a nightclub.
- On Friday and Saturdays: opening no later than 02:00am with no playing of unsociably loud music (without effective sound-proofing in operation.)
- Sunday through Thursday: Opening no later than 23:00 with no playing of unsociably loud music (without effective sound-proofing in operation.)
- For both of the above criteria the patrons of the premises should be promptly dispersed at the closing time detailed.

Please do not hesitate to contact us in regards to this licensing review if required either at the above address or by phone: (020)7 790 8136.

Your Faithfully,

Ian Bates and NanaYaa Hughes-Brittain

# Appendix 8

Flat 3,  
653 Commercial Road,  
London,  
E14 7LW

The Licensing Department,  
London Borough of Tower Hamlets,  
Mulberry Place (AH),  
P.O. Box 55739,  
5 Clove Crescent,  
London,  
E14 1BY

14 April, 2008

To whom it may concern,

I am writing in regards to the proposed variance of licensing under the London Borough of Tower Hamlets Licensing Act of 2003 of:

**Laughing Buddha, 653 Commercial Road, London, E14 7HW.**

I have strong reservations about the proposed usage of the commercial space located beneath the flat currently rented by my wife and I, as well as three other residential flats. The reason that we are unhappy is that for approximately the last eight months the premises has been operating outside of the proposed opening hours and has played music at an unreasonably high level of volume, after originally opening as a restaurant. We find the use of the premises as a 'nightclub,' unacceptable as both the music as well as the patrons of the business creating disturbance in front of and at the side of 653 Commercial Road highly anti-social and this has had a detrimental effect on the quality of life of the residents of the flats above the Laughing Buddha. In the past, the music has started at approximately 22:00 on a Friday, Saturday or occasionally Bank Holiday Monday and although on average it finishes around 03:00 the following morning, there are occasions when the music has been played as late as 07:00 the next morning. In fact, this past weekend the premises were open until around 03:00am on Saturday 12<sup>th</sup> April and just after 04:00am on Sunday 13<sup>th</sup> April. The volume level on the night of Saturday 12<sup>th</sup> April through to the early hours of Sunday 13<sup>th</sup> April was completely unacceptable, my wife and I could hear what the host of the event was saying on his microphone and the volume of the music was vibrating the building. Furthermore, once the music had stopped we could hear altercations between the patrons outside, many of whose cars were parked in dangerous positions on what is a red-route during normal hours. On Sunday morning the police came, not at my request- so there should be some record of this activity. Over the past months I have witnessed several altercations between patrons both during the hours that the business is open, but more commonly at closing time- the security staff seem to have little effect on this taking place. The windows of the premises were vandalised at some point on Sunday and this is also not the first time this has happened. This vandalism never occurred before the premises changed from its original usage as a restaurant.

With the above in mind, we would be prepared to accept the continued operation of the business under the following criteria:

- It does not operate as a nightclub.
- On Friday and Saturdays: opening no later than 02:00am with no playing of unsociably loud music (without effective sound-proofing in operation.)
- Sunday through Thursday: Opening no later than 23:00 with no playing of unsociably loud music (without effective sound-proofing in operation.)
- For both of the above criteria the patrons of the premises should be promptly dispersed at the closing time detailed.

Please do not hesitate to contact us in regards to this licensing review if required either at the above address or by phone: (020)7 790 8136.

Your Faithfully,

Ian Bates

Ian Bates

Account Manager

Direct Line 020 7657 7883

Fax 020 7657 7971

ian.bates@premiertransportgroup.com

www.premiertransportgroup.com

15-21 Risborough Street, London, SE1 0HG

**PREMIER** *transportgroup*  
Intelligent Transport Solutions

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# Appendix 9

**From:** Gillian Wasley [mailto:gillian.wasley@lcm.org.uk] **On Behalf Of** Norman Barr  
**Sent:** 15 April 2008 15:05  
**To:** John Cruse  
**Subject:** Licensing Act 2003 - Laughing Buddha, 653 Commercial Road, E14



This email is from Norman Barr, Property Director  
Please reply to [norman.barr@lcm.org.uk](mailto:norman.barr@lcm.org.uk)

Dear Mr Cruse

Your letter of 20 March was not forwarded to my office until this morning and I apologise for the delay in response.

We are appalled at the request by this restaurant/club to extend their opening hours. The flat occupants of our property at 649/651 Commercial Road are finding the noise on Friday and Saturday nights intolerable with penetrating loud and heavy beat music going on till the early hours of the morning. For this to be extended for more than half the week will make their lives intolerable. We therefore think it is imperative that this application should be refused.

We are also concerned about the level of vandalism to the property and the undesirable elements using the facility. This puts our occupants at risk in the early hours of the morning when returning home and again we would object on these grounds as well.

We await to hear from you.

Yours sincerely

W N Barr CA  
Property Director  
Direct Line: 020 7234 3581  
E-Mail: [norman.barr@lcm.org.uk](mailto:norman.barr@lcm.org.uk)

telephone 020 7407 7585  
facsimile 020 7403 6711

email [enquiries@lcm.org.uk](mailto:enquiries@lcm.org.uk)  
website [www.lcm.org.uk](http://www.lcm.org.uk)

175 Tower Bridge Road  
London, SE1 2AH

16/04/2008

## SHARING JESUS CHRIST WITH ALL LONDON

LCM is a company limited by guarantee. Registered in England and Wales No. 4284615.  
Registered Charity No. 247186. Registered office as above.

The objects of the company shall be to promote the Christian religion and to provide for the spiritual and temporal needs of the poor and distressed in London and the surrounding areas. The company shall also be concerned with the promotion of the Christian religion and the provision of spiritual and temporal aid to the poor and distressed in London and the surrounding areas.



# Appendix 10

-----Original Message-----

From: webteam@towerhamlets.gov.uk [mailto:webteam@towerhamlets.gov.uk]

Sent: 15 April 2008 14:33

To: Building Control

Subject: Contact Tower Hamlets Building control query

Contact Tower Hamlets Building control query.

The below e-mail has been submitted by Jaco Pieterse.

Comment or question: Dear Sir/Madam

REGARDING:

Laughing Buddha

653 Commercial Road

London E14 7LW

16/04/2008

Page 2 of 2

Can you please forward this email to the correct person/department

I understand that the night club mentioned above applied for permission to extent their trading hours. I would like to object to this. They play their music very loudly till after 04:00 in the mornings over weekends. It is extremely loud and it makes the walls of the flat where I'm living vibrate. I'm sure it keeps the whole of the neighbourhood awake.

If you give them permission to extent their hours we will have to put up with this more nights of the week.

Please feel free to contact me if you need any more information.

Thank you

Jaco

From: Jaco Pieterse

E-mail: jaco@aneejjack.com

Contact number:

Query type: Building control

\*\*\*\*\*

Working Together for a Better Tower Hamlets Web site :

<http://www.towerhamlets.gov.uk>

London Borough of Tower Hamlets E-Mail Disclaimer.

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If your request relates to a Freedom of Information enquiry, please resend this to [foi@towerhamlets.gov.uk](mailto:foi@towerhamlets.gov.uk)

\*\*\*\*\*

**Kathy Butler**

**From:** Jaco Pieterse [JACO@ANEEJJACK.COM]  
**Sent:** 16 April 2008 13:51  
**To:** Kathy Butler  
**Subject:** RE: Laughing Buddha

Dear Kathy

The details were in the original form, but I assume because it was forwarded to you it must have got lost.

Flat 1, 649-650 Commercial Road, Limehouse, London, E14 7LW

Thank you

Jaco

Dear Jaco,

I have received your representation for Laughing Buddha, however in order to accept this representation I will require details of your address.

I would be grateful if you could forward these details as soon as possible.

*Regards,*

*Kathy Butler  
Senior Licensing Officer*

London Borough of Tower Hamlets  
Council Offices  
Mulberry Place (AH)  
PO BOX 55739  
5 Clove Crescent  
London  
E14 1BY

Tel: 020 7364 5171  
Fax: 020 7 364 0863  
Email: [Kathy.butler@towerhamlets.gov.uk](mailto:Kathy.butler@towerhamlets.gov.uk)  
Website: [www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

---

Working Together for a Better Tower Hamlets

Web site : <http://www.towerhamlets.gov.uk>





# Appendix 11

## **Drinking Beyond the Permitted Hours**

### General Advice

Members need to consider the evidence carefully. Is what is being alleged more properly a criminal matter? The Licensing Act 2003 only makes it an offence to supply alcohol after the permitted time. Thus it may perfectly lawful to have patrons on the premise consuming alcohol several hours after it ceased to be legal to supply it (licence terms vary).

However, if this is causing a problem in relation to one of the licensing objectives, which are most likely to be:

- the prevention of crime and disorder
- the prevention of public nuisance

then, if Members consider it proportionate to do so, they should set appropriate conditions, such as reducing the permitted opening hours.

If Members believe that there is a substantial problem of drinking beyond permitted hours and it cannot be proportionately address by licensing conditions they should refuse the application.

### Other Legislation

Planning controls may lay down the hours of operation of the premises.

# Appendix 12

## Noise while the premise is in use

### General Advice

If they conclude this is a problem Members should consider whether it is possible to carry out suitable and proportionate noise control measures so that noise leakage is prevented. In addition Members may consider that only certain activities are suitable.

The hours of operation also need to be considered (see below).

If Members believe that there is a substantial problem of noise while the premises are in use and it cannot be proportionately address by licensing conditions they should refuse the application.

### Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Sections 8.1 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 12.1**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 12.4**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Sections 8.2 of the Licensing Policy**).

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. (**See Appendix 2 Annex D of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)
- Whether certain parts should close earlier than the rest (for example a "beer garden", or restricted in their use)
- Whether or not certain activities should have to close at an early hour, for example live music
- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).
- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly
- Conditions controlling the use of explosives, pyrotechnics and fireworks

- Conditions controlling the placing of refuse
- Conditions controlling noxious smells
- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

### Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs. a premises causing a nuisance resulting from noise emanating from the premises.

### Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions as permitted (13.20 and Annex D).

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community (2.33).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.36) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.38).

### Other Legislation

The Environmental Protection Act 1990, Part 111 gives Environmental Health Officers the power to deal with statutory nuisances.

The Anti-social Behaviour Act 2003, Sections 40 and 41 give Environmental Health Officers the power of closure up to 24 hours in certain circumstances.



# Appendix 13

## Access and Egress problems

Such as:

- Disturbance from patrons arriving/leaving the premises on foot
- Disturbance from patrons arriving/leaving the premises by car
- Lack of adequate car parking facilities
- Close proximity to residential properties

### General Advice

In considering concerns relating to disturbance from egress, Members need to be satisfied that the premises under consideration has been identified as the source of the actual or potential disturbance. If they are satisfied that this is a problem, then proportionate conditions should be considered.

The hours of operation also need to be considered.

If Members believe that there is a substantial problem concerning egress and it cannot be proportionately addressed by licensing conditions, they should refuse the application.

### Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Section 8.1 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Section 8.2 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 12.10**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 12.10**)

The Council has adopted a set of framework hours (**See 12.8 of the licensing policy**). This relates to potential disturbance caused by late night trading.

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Pool of Conditions relating to the prevention of Public Nuisance. (**See Appendix 2 Annex G of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):



- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)
- Whether certain parts should close earlier than the rest (for example a “beer garden”, or restricted in their use)
- Whether or not certain activities should have to close at an early hour, for example live music
- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).
- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly

#### Guidance Issued under Section 182 of the Licensing Act 2003

The pool of conditions, adopted by the council is recommended (Annex G). The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.33).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.36) but it is essential that conditions are focused on measures within the direct control of the licence holder” (2.38).

In certain circumstances conditions relating to noise in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave (2.36).

However, it is essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.38)



# Appendix 14

## Noise Leakage from the Premises

### General Advice

Extending hours may bring issues about noise leakage to the fore, as many premises are close to residential properties (or even sometimes commercial).

The obvious areas for Members to consider, if they believe there is a problem and it is proportionate to consider conditions are:

- Can internal works, actions or equipment reduce the noise leakage
- Does the problem justify curtailing the activities that are licensed. If Members are minded to do this they must ensure conditions are clear and readily enforceable. For example "Jazz Music Only" is not capable of legal definition and is unenforceable.
- Does the problem justify limiting the hours or place of particular activities. For example "no music in the beer garden at any time and no music past 22 30 hrs" although the premises can stay open until 01 00 hrs.

Members also need to bear in mind the statutory exemptions under the Act (see below).

### Licensing Policy

The Licensing Authority expects applicants to have sought advice and to be able to explain how they will address problems. **(See Sections 8. 1-2)**, especially where a negative impact is likely on local residents or businesses **(See 12.1 for core licensing hours)**.

The Licensing Policy recognises that staggered hours can make a positive contribution to alcohol related issues but that consideration will be given to imposing stricter conditions in respect of noise control where premises are close to residents. **(See 12.4)**.

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Pool of Conditions relating to public nuisance. **(See Appendix 2 Annex G of the Licensing Policy)**. In particular Members may wish to consider the following: (this list is not exhaustive):

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)
- Whether certain parts should be restricted in their use
- Whether or not certain activities should have to close at an early hour, for example live music
- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).
- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly

- Conditions controlling the use of explosives, pyrotechnics and fireworks

### Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down for up to 24 hrs premises causing a nuisance resulting from noise emanating from the premises.

### Licensing Act 2003

Schedule 1 Part 2 states that entertainment in churches, morris dancing and accompanying music if live and unamplified and incidental music are not licensable activities-that is no conditions can be set for them.

Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is primarily thus used, and the permitted capacity does not exceed 200 additional conditions relating to the music should only relate to public safety or the prevention of crime (or both). That is they should not relate to any "noise nuisance."

Section 177 (4) provides that where a premises licence (or club) has a capacity of not more than 200 and the only music is unamplified live music between 08 00 hrs and midnight, no additional conditions should be set relating to the music.

Section 177 can be disapplied on a licence review if it is proportionate to do so.

### Public Nuisance Guidance issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions (13.20).

The prevention of the public nuisance could include low level nuisance, perhaps affecting a few people living locally (2.33). Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.36), but it is "essential that conditions are focused on measures within the direct control of the licence holder" (2.38).

It may be appropriate to require take-aways to provide litter bins. (2.40).

### Other Legislation

Environmental Health Officers have extensive powers under the Environmental Protection Act 1990 to control a noise nuisance, including a power of immediate closure.



# Appendix 15

## **Planning**

An application for a Premises Licence can be made in respect of a premises even where the premises does not have relevant Planning Permission. That application has to be considered and Members can only refuse the application where the application itself does not promote one or more of the Licensing Objectives. Members cannot refuse just because there is no planning permission. Where a Premises Licence is granted and which exceeds what is allowed by the Planning Permission and that Premises then operates in breach of planning then the operator would be liable to enforcement by Planning.



# Appendix 16

## **Licensing Policy relating to hours of trading**

All applications have to be considered on their own merits.

The Council has however adopted a set of framework hours as follows:

Sunday to Thursday      06 00 hrs to 23 30 hrs

Friday and Saturday      06 00 hrs to midnight

(see 12.8 Of the licensing policy)

In considering the applicability of frame work hours to any particular application regard should be had to the following

- Location
  - Proposed hours of regulated activities, and the proposed hours the premises are open to the public
  - The adequacy of the applicants proposals to deal with issues of crime and disorder and public nuisance
  - Previous history
  - Access to public transport
  - Proximity to other licensed premises, and their hours
- (see 12.8 of the licensing policy)

Subject to any representations to the contrary in individual cases the following premises are not generally considered to contribute to late night anti-social behaviour and will therefore generally have greater freedom

- Theatres
- Cinemas
- Premises with club premises certificates
- Premises licensed for off sales only